

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

<p>MARLIN LUSTGRAAF, Plaintiff, vs. BRYAN S. BEHRENS, SUNSET FINANCIAL SERVICES, INC., Defendants.</p>	<p>8:08CV335</p> <p>MEMORANDUM AND ORDER</p>
<p>JEAN POOLE, Trustees of the Poole Family Trust; and DEE POOLE, Trustees of the Poole Family Trust; Plaintiffs, vs. BRYAN S. BEHRENS, SUNSET FINANCIAL SERVICES, INC., Defendants.</p>	<p>8:08CV399</p>
<p>MILO VACANTI, Plaintiff, vs. SUNSET FINANCIAL SERVICES, INC., BRYAN S. BEHRENS, Defendants.</p>	<p>8:08CV436</p>
<p>WILLIAM GREEN, JOANN GREEN, Plaintiffs, vs. SUNSET FINANCIAL SERVICES, INC., BRYAN S. BEHRENS, Defendants.</p>	<p>8:09CV13</p>
<p>MILO VACANTI, Plaintiff, vs. SUNSET FINANCIAL SERVICES, INC., BRYAN S. BEHRENS, Defendants.</p>	<p>8:09CV44</p>

This matter is before the court on the Plaintiffs' Unopposed Motions for Leave to Depose Bryan S. Behrens, who is currently incarcerated in the Federal Bureau of prisons.

Federal Rule of Civil Procedure Rule 30(a)(2)(B) states that a party must obtain leave of court to depose a person confined in prison. Leave shall be granted to the extent consistent with the principles stated in Rule 26(b)(2). Fed.R.Civ.P. 30(a)(2).

Accordingly,

IT IS ORDERED:

- 1) The plaintiffs' motions to depose Bryan S. Behrens are granted. The depositions will commence on January 22, 2013, or at a date and time agreeable to the penal facility where Mr. Behrens is housed. The location of the deposition shall be a place agreeable to the administration of that penal facility.
- 2) Defendant Bryan S. Behrens is ordered to attend his deposition as scheduled, and he shall cooperate fully with the deposition process to the extent required by law.
- 3) Mr. Behrens is reminded that failure to attend and fully cooperate in the deposition process will be deemed a violation of this court's order, which may subject the defendant to civil or criminal contempt proceedings and may, in turn, impact the Bureau of Prisons' calculation of his earned and unearned good time credit and, accordingly, his date for release from prison.
- 4) A copy of this order shall be attached to the notice of deposition served on Mr. Behrens. If the notice is served on Mr. Behrens' counsel, his counsel shall forward the notice with this order to Mr. Behrens and shall file a certificate of service stating he has done so and the manner of service implemented.

January 2, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge